**D.B.Civil Special Appeal(Writ) No.195/2004**
**(Ganesha Ram vs. State of Rajasthan & Ors.)**

Dated:- 7th November, 2006.

**HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA**
**HON'BLE JUSTICE SHRI MOHAMMAD RAFIQ**

Mr.Shambhoo Singh, for the appellant.
Mr.Rameshwar Dave,Dy.Government Advocate.

This special appeal is directed against the order of the learned Single Judge dated 21.11.2003 in S.B.Civil Writ Petition No. 6589/2003 dismissing the writ petition of the appellant. The appellant had filed the writ petition seeking direction to allow him bonus marks for his participation in a sports tournament for the purpose of recruitment on the post of Physical Teacher Gr.III.

As per the advertisement issued on 28.7.2003, merit of the candidate was to be assessed by awarding marks for the secondary examination, senior secondary examination, C.P.Ed./D.P.Ed./B.P.Ed./ B.P.E. examination and domicile. The advertisement stated that for extra curricular achievements such as N.C.C.,Scout/Guide, Sports, Dance, Music etc., prescribed bonus marks will be awarded on production of the certificate. The case of the appellant is that he participated in Judo event in the tournament organised by Maharishi Dayanand University, Ajmer. According to petitioner the tournament was held at the state level and he

is entitled to 10 bonus marks for the same.

The respondents have brought on record the Circular dated 31.7.2003 which contains the instructions/guidelines for appointment on the post of Physical Training Instructor Gr.III. The circular inter-alia provides for 10 bonus marks for sports competitions held at the state level and 15 bonus marks for sports competitions held at the national level. The state level competitions have been described as(a) "Rajya stariya Khelkud Pratiyogita" i.e. state level sports competition and (b) "Vishwavidhyalaya Zonal Khelkud Pratiyogita" i.e. university zonal sports competition. The interpretation put forward by the appellant is that any competition held at the university level is a University Zonal Competition. On behalf of the respondents it has been stated that tournaments are organized by different universities some of which are held within the zone itself such as North Zone, East Zone, West Zone, South Zone while others are held between universities of different zones. Tournaments held between universities of the same zone qualify as "state level competition" for which 10 bonus marks are awarded and tournaments held between different universities of different zones qualify as "national level competition" and 15 bonus marks are awarded for the same.

The specific case of the appellant is that he participated in "inter-college" competition. It is not his case that the tournament was held between universities even within the same zone much less different zones so that it could be called state level competition for which 10 bonus marks

could be awarded. We find substance in the stand of the respondents that to qualify for bonus marks, the tournament must be one in which different universities participate - either within the same zone or different zones. Participation in any competition between different universities within the same zone would fetch 10 bonus marks. Participation in any competition between universities of different zones will make the person eligible for award of 15 bonus marks . Indeed, there is no mention of any "inter-college" tournament or competition in the circular dated 31.7.2003, and therefore the appellant on his own case cannot claim bonus marks for participation in the sports event in question.

Counsel for the appellant placed reliance on a Bench decision in State of Rajasthan & Ors. vs. Umesh Jangid & 19 Ors., reported in 1998(1) W.L.C.(Raj.) 287. A different circular was under consideration in that case. It is not in dispute that recruitment was made when the circular dated 31.7.2003 was in force and therefore there cannot be any doubt that the present recruitment was governed by the said circular. Besides, the tournament in question was held between the different universities.

We thus find no error in the order of the learned Single Judge dismissing the writ petition. The appeal is dismissed.

**(MOHAMMAD RAFIQ),J.** **(S.N.JHA),C.J.**

Aditya/-